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SPEECH
OF
MR. MILTON BROWN, OF TENNESSEE,
ON THE BILL
TO PROTECT THE RIGHTS OF AMERICAN SETTLERS
IN THE TERRITORY OF OREGON.

Delivered in the House of Representatives, U. S., April 15, 1846.

The House having under consideration the bill "to protect the rights of American settlers in the territory of Oregon, until the termination of the joint occupation of the same"—

Mr. MILTON BROWN addressed the House as follows:

The bill under discussion purports by its title to be "a bill to protect the rights of American settlers in the territory of Oregon, until the termination of the joint occupation of the same." This is an imposing title. It expresses an object which, if carried out in good faith by the body of the bill, would receive no opposition from me. I will vote for any and every measure necessary and proper to protect our citizens in Oregon or elsewhere. But then this bill contains other and far different matters than those indicated in its deceptive title. It involves consequences far more important than any heretofore discussed on this much agitated Oregon question. It proposes legislative action, immediate, direct, and absolute, not over our citizens for their protection merely, but over the territory. It looks to exclusive sovereignty over the whole territory at the end of the contemplated year's notice, permitting and recognising the exercise of no rights on the part of Great Britain after that time. In fact, the reservations in favor of the rights of British subjects during the year are of doubtful character, and in their consequences probably tending to a hostile conflict even before the expiration of the year's notice. The first reservation in favor of British subjects is contained in the proviso to the first section of the bill. It is, in substance, that the act shall not be construed to deprive the subjects of Great Britain of any rights which were secured to them by the treaty of 1827. Now, if Great Britain has any rights at all in Oregon, they exist independent of that treaty. That treaty confers no rights, but leaves the rights of the respective parties standing as they were. It is uncertain, therefore, whether this proviso in its legal effect amounts to any thing.

The next and only remaining reservation is contained in the proviso to the third section, which is in substance that when British subjects are arres-

ted for crime, they shall be handed over to British tribunals for trial and punishment. These provisions in favor of British subjects are to expire at the end of the year's notice. Then our sovereignty and jurisdiction over the whole of the territory is to be absolute and exclusive. The effect at the end of the year's notice necessarily will be, to require every British flag that floats there to be hauled down, and every British subject, without qualification or exception, to leave the country or submit to our laws. Do gentlemen believe this can be done without a conflict? After the repeated offers on the part of this Government to compromise on the forty-ninth parallel, recently followed up by the same offer made by our present Executive, do gentlemen suppose that Great Britain will tamely submit to be expelled from the country?

It cannot be disguised that this bill originates with the extreme "*all of Oregon or war*" men. About to fail in making the question of notice subservient to their views, this bill has become their peculiar favorite. And in this they exhibit ability and great tact. Under the imposing guise of extending protection to our citizens, they effectually assert their extreme position of "*all Oregon or a war.*" They have purposely and very adroitly left all boundaries and limits out of the bill. Our laws in Iowa are to be "*extended over all that portion of the territory of the United States which lies west of the Rocky Mountains.*" What this territory is must be decided by the President, who is to execute the law. And as he has declared in his message that all the territory belongs to us, he must execute the law over the whole territory.

But it has been said that the extreme action of seizing the whole territory, as contemplated by this bill, may be arrested by a treaty. But are gentlemen willing to risk this in the present excited state of the public mind? Is this not putting up the peace of the country on a most dangerous hazard? But, in connexion with this, a still more important consideration presents itself. It takes two-thirds of the Senate to ratify a treaty. If, therefore, the 54° 40' men in the Senate can muster even a *minority* sufficient to defeat the treaty, then the law goes into operation by its own force. Does this not present a powerful motive to the 54° 40' men? Does it not place a most dangerous power in the hands of a minority of the Senate? This perhaps explains the extreme delight of the "*all of Oregon or war*" men, at the prospect of the passage of this bill.

But this untimely and extraordinary legislation, it has been said, is justified by similar legislation on the part of Great Britain. This position is founded in mistake. No legislation, touching the Oregon territory or its inhabitants, has taken place on the part of Great Britain since the convention of 1827. That convention stands as the last act of both Governments on the subject. It settled all previous conflicts (if any) of legislation that existed, and has, as far as we have any information, been deemed the supreme law, and been in good faith kept by all the parties to it.

Looking upon this bill in substance and effect as asserting our exclusive sovereignty and jurisdiction over the whole territory at the end of the year's notice, I only regret that its friends do not proclaim with more distinctness and boldness what their ultimate purpose is. I think the time has arrived when Congress should either cease action on this question, or else speak out

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and tell the country what we intend doing. If we intend to have "all Oregon" or a fight, let us say so, and then the country will understand us. Let our bravery be in action, and not in speeches. Let the country, the peaceful, quiet citizens of the country, know what we are doing.

But, no; this is not to be done. The country is to be led on step by step, and what folly produces is to be set down to necessity. The war spirit is to be kindled, but mixed up with great professions of love of peace. No one on this floor professes to love war; all profess an extreme attachment for peace; and the steps which have led us almost into the flames of a most unnecessary war have been proclaimed as treading in the surest paths of peace.

We seem to be driving on from one false step to another, without any distinct idea where these steps are to lead us. This is now the fifth month of the session, and this Oregon question, in various forms, has been the continued subject of excitement and discussion, not only here, but throughout the country; and all is now as dark before us as at the commencement of the session. The debates have only served to make darkness more visible. At first we thought we understood the President: now we are sure we do not. All about him is mystery. A large portion of this long debate has been between his own leading and prominent friends, in this and the other wing of the Capitol, on the question of what he does mean. One wing of his party says he is now for "all of Oregon" or war; another wing says he is for negotiation and compromise; and in this state of things we are continually exhorted to be *unanimous*! And when we ask unanimous in what, we are answered, in support of the President! And yet we do not know what he is for. God save the country from this state of things!

And now, sir, I desire to say something of the causes which have led this Government into its present unfortunate position. And in doing this, I shall be the better able to present the reasons of my belief that we cannot with propriety, in the face of the repeated offers of our own Government to divide the territory with Great Britain, followed up so recently by the same offer made by our present Executive, assert, at the hazard of war, an exclusive title to all. And in this I shall prove myself abundantly sustained by the positions taken in the President's message itself. But, first, as to the unwise influences which have led the country into its present unfortunate position—unfortunate, I say, because the chances of favorable and honorable adjustment have been decreased—unfortunate, because of the waste of time and money in these long and useless, if not worse than useless, debates—and unfortunate, because of its injurious and destructive influence on the business and prosperity of the country.

This Oregon question, like all others involving our foreign relations, was confided by the Constitution to the treaty making power. Here it was, and here it should have remained, until necessity, arising from a failure of all efforts at amicable settlement, had transferred it to other hands. It was not designed by the wisdom of our fathers, to make every question involving our relations with other governments the subjects of popular discussion at the hustings or on this floor, until all hope of friendly adjustment was gone, and nothing remained but a question of peace or of war. Such questions were wisely left with the President and Senate; and for the best of reasons, as an exception to the general spirit of our Government, the veil of secrecy

is thrown over their actions. In this condition, in accordance with this wise provision of the Constitution, was this Oregon question. Many of the material facts, necessary to a right understanding of it, were locked up in the secret proceedings of the President and the Senate, and the country was imperfectly acquainted with, if not wholly ignorant of them. How little, then, was the country prepared, without a knowledge of these facts, to come to a right conclusion on this question! How improper and unpatriotic it was, under these circumstances, to drag this delicate question into a popular election, in the absence of the facts necessary to a right understanding of it! Nevertheless, in an evil hour for the welfare of the country, this question was seized upon for the purpose of President-making. It was laid hold of as one of the elements of agitation in a political campaign, to override other questions. An exclusive claim to *all Oregon* was set up, and any one who dared to doubt the propriety of this was to be denounced as on the *British side* of the question. The Baltimore convention emblazoned the claim on its flag, and it was shouted over the Union as one of the watchwords of party. Next came the inaugural of the newly elected President, and in it the reiteration of this claim of exclusive right to the whole of the territory. This announcement in the inaugural, putting on a higher dignity, and assuming a greater importance than could attach to the declarations of a mere party convention, attracted the special notice of Great Britain, and called forth a response not at all favorable to the continuance of peace between the two countries. This naturally aroused a corresponding increase of excitement on this side of the water, and the question was at once in danger of being transformed from one about *acres of land* into a point of *national honor*, in which both Governments began, in some degree, to look upon their standing before the world as involved.

In this posture things stood up to the appearance of the late annual message. By that we were put in possession of important, and in view of the Baltimore resolutions, and the declarations of the inaugural, somewhat surprising movements on the part of the newly elected Executive. The high pretension of exclusive claim to the whole territory set up in the Baltimore convention, and followed by the inaugural, had been disregarded or forgotten, and we were informed by the President *that he had offered to divide the disputed territory with Great Britain on the parallel of the forty-ninth degree of north latitude!* But to avoid the wrath and denunciation of his "*whole of Oregon or war*" friends, and seeing the ghost of the murdered Baltimore resolution rising before him, he goes on to tell us that his offer not having been accepted by Great Britain, he had withdrawn it, and had again set up his claim to *all the territory!* "*Our title to the whole of Oregon*" is again proclaimed, and the President says, "maintained by irrefragable facts and arguments."

To this offer by the President to compromise on the forty-ninth parallel, I make no objection. In making this offer I believe he did right. But in making it he has disregarded, if not condemned, in the most unequivocal and solemn form, the Baltimore democratic resolution, on which, among other things, he came into power. That resolution is in these words:

"*Resolved*, That our title to the whole of the territory of Oregon is clear and unquestionable; and that no portion of the same ought to be ceded to

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England, or any other power; and that the re-occupation of Oregon, and the re-annexation of Texas at the earliest practicable period, are great American measures, which this convention recommends to the ardent support of the democracy of the Union."

This resolution declares, in the most explicit language, that our title to the whole of Oregon is clear and unquestionable, *and that no portion of the same ought to be ceded to England, or any other power.* But the President informs us in his message that he has, since he came into office, offered to cede to England all north of the forty-ninth degree—which amounts to nearly half of the whole territory—enough, in the estimation of my colleague, (Mr. JOHNSON,) to make six such States as Tennessee! He has, therefore, offered to do what this famous Baltimore resolution said ought not to be done. This resolution, passed by the Baltimore convention for the purpose of seizing hold of a popular excitement to override other questions, and assist him in attaining power, has been thus condemned by one of the first acts of his administration!

But the reasons given by the message for making this offer deserves special notice. The President says he made it *in deference to what had been done by his predecessors*, and especially in consideration that propositions of compromise had been thrice made, by two preceding administrations, to adjust the question on the parallel of forty-nine degrees," &c.

I thank the President for this admission in favor of the force of precedents, and the deference due to the acts of predecessors. But why were these "propositions of compromise," and this deference to what had been done by preceding administrations, not thought of sooner? Why did not these wise and patriotic considerations prevent the passage of the Baltimore resolution? Why did they not occur to the President when he delivered his inaugural address? Were the facts known to him? If so, they then deserved as much respect as when he afterwards made the offer of compromise. If they were not known to him, he spoke without a proper knowledge of the subject.

But another view of this point deserves still more special notice. If the President did right (and I hold he did) in making this offer of compromise from deference to what had been done by his predecessors, who had made repeated offers to settle on the forty-ninth degree, did he weaken the force of their acts by making the same offer himself? On the contrary, did he not greatly increase "the implied obligation which their acts seemed to impose" by his own solemn sanction? These repeated "propositions of compromise" are now not only the acts of his predecessors, but his own act also. They rest on his sanction as well as that of former administrations, with this additional weighty consideration, that he has not only impliedly admitted the force of these precedents by following them, but has expressly recognised the principle that these precedents are, in some degree at least, morally binding on the Government.

And now, sir, I come to the question, whether, in the face of the repeated acts and admissions of this Government, we can now with propriety, at the hazard of war, seize the whole Oregon territory, excluding all compromise? I believe we cannot. I do not here enter into the question of title. I have neither the time, nor, at present, the inclination to do so. Whether

our title was originally "clear and unquestionable," or not, the acts of our own Government, and especially of the present Executive, have placed us where we cannot, in the face of the civilized world, tender an issue of war on an exclusive claim to all. The same powerful considerations which recently induced our Government to tender an offer of compromise on the 49th degree, still requires us to accept it when it shall be returned, if it should be, by Great Britain to us.

It has been said that the President, by withdrawing his proposition of compromise, has released himself and the Government from all obligation to adjust the difficulty in any other way than by arms, unless Great Britain will surrender all. To me this is a strange mode of reasoning on a great national question, where the only alternatives are compromise or an appeal to arms. It is bringing down the dignity of the question to the rules governing horse jockeys in the exchange of their stock, when either party has a right before a final agreement, to withdraw his proposition and demand better terms; or to a case of disputed rights between private individuals, when, if they cannot agree, the law has provided a common tribunal to which either may appeal for a peaceful decision of the controversy. In a great question between nations, where there is no common tribunal to which they can go, and when, if negotiation fails, the shedding of human blood must follow, a very different case is presented. In such a case, the moral sense of the civilized world forbids a nation shedding blood for that which it has solemnly and repeatedly offered to surrender. I hold this to be our condition with regard to that part of Oregon north of the 49th degree, repeatedly offered to be surrendered by the present and preceding administrations.

But it has been said that these offers of compromise were only made for the sake of peace, and are, therefore, not binding. But is not peace dear to day as when these offers were made? I only regret that when our present Executive made his offer of compromise, he had not stood upon a firmer basis. If he had, the whole country would have rallied to him with one heart and one feeling, excepting only, perhaps, the "all of Oregon or war men." They would have opened their batteries on him, but he would have been sustained. If he had asked for the passage of "notice," it would have passed without delay, and almost unanimously, unless, indeed, the extreme Oregon wing of his own party had voted against it. The passage of notice in itself was not exceptionable, nor in itself was it any cause of offence to Great Britain. I, for one, as is well known to my friends from the time the question first started, desired to vote for notice, if it could be put in a shape that seemed to me unexceptionable. But the abrupt withdrawal by the President of his proposition of compromise, and the extreme position assumed in the message, in the face of his own acts and the acts of his predecessors, which he had recognised and followed, taken in connexion with the character of the speeches on this floor, seemed to me to render unqualified notice improper. I therefore voted against it in the form it passed the House. But I here desire to take occasion to say, that if the bill return from the Senate modified in the form I am assured it will be, I will vote for it with great pleasure, and I have reason to believe that my Whig colleagues will also.*

* See note at the end.

the acts of Before I close I design to say a few words only in regard to the positions we have placed assumed by two of my democratic colleagues. My colleague (Mr. STAN-
an issue of won,) approves very heartily the offer of compromise on the 49°, made by
rations which President, and thinks if Great Britain should return the same proposi-
promise on tion, our Government should accept it. He is, therefore, for compromise
e returned, if that line of division. If so, why not place ourselves on that ground and
land on that line as an *ultimatum*? Why break off negotiation, and in a
is proposition seeming passion claim all? Why place ourselves in a false attitude before
m all obligat the world, by first offering to compromise on that line as a division, and
ess Great Britain provoking an unnecessary war, founded on a refusal to negotiate, and
oning on a gre claim of absolute and exclusive title to all?
ise or an appe But my other colleague to whom I allude, (Mr. JOHNSON,) holds that no
he rules gover compromise ought to be made. Nothing will satisfy him short of the whole
party has a righ territory up to 54° 40'. And to sustain this bold position he has read the
demand bett famous Baltimore democratic resolution to which I have already referred.
iduals, when. He has also read from the inaugural of the President, in which the exclu-
to which eith ive claim of the whole territory set up in the Baltimore convention was re-
a great questi affirmed, and our title to the whole territory declared to be clear and un-
ich they can g questionable. In referring to these documents, and sustaining the assertions
pd must follow title which they contain, it seems to me he inflicts (unintentionally per-
ral sense of (haps,) cruel censure on his own President. If our title to all is clear, and
h it has solemn one ought to be surrendered, as declared in these famous documents, then
our condition he President has been guilty of inexcusable violation of duty in offering to
ately offered ede away nearly half the territory. Either these documents are wrong, or
se the President is.

is only made f My colleague (Mr. JOHNSON) has said that the Whig members from Ten-
is not peace nessee, as far as they have made any *expose*, are willing to compromise with
that when o Great Britain on the line offered by the President. This may be true. They
ot stood upon certainly did not agree with either the Baltimore convention or the inaugu-
h one heart an ral; they thought the declarations of both untimely and improper. We be-
or war men lieved they were calculated to render the amicable adjustment of the ques-
ould have bee tion more difficult and doubtful; we therefore believed them untimely and
it would hav wrong, and still believe so. But, when the President *abandoned* the extrav-
ed, the extren agant pretensions of the Baltimore convention and his own inaugural, and
assage of notie offered, for the sake of peace, the 49th degree as a compromise, we said he
se of offence did right; and we still say so. But, unfortunately for his own consistency,
s from the tim and I fear for the peace of the country, dreading perhaps the fire from the
uld be put in guns of his own friends, the President has *abandoned* his new position; with-
withdrawal b drawn the proposition of compromise, *broken off negotiation abruptly*, and
extreme positio again hung himself up on the Baltimore resolution and the declarations of
acts of his pr his inaugural!

But hear what my colleague says of the relative positions of the Whigs
connexion wit and Democrats of Tennessee. He says: "But how did the President stand?
render unqua Why, he was sustained in his strong position, the line of 54° 40', by the
m it passed th Democracy, while on the weak points the Whigs come in and supported
he bill return him. Was there ever an Administration better sustained than this? The
be, I will vol Executive, in offering the compromise of the line of 49°, was supported by
my Whig col the Whigs of Tennessee, so far as they had made an *expose* of their opin-
ions." Here the President is represented as having figured in various pleas-

ing attitudes—sometimes delighting the Democracy and sometimes the Whigs. He has his “strong position,” which is his claim of *all*, and his “weak points,” which is his offer to divide. The former the Democracy sustain, the latter the Whigs sustain.

Now, according to my colleague’s own showing, the Whigs have the advantage. They sustain *what the President has done*; the Democracy *what he has said*. The Democracy furnish support to his wings while flying; the Whigs sustain the ground on which he lights down. He has taken to his wings again, it is true, in dread of a fire from his own friends; but it is supposed of late he is becoming greatly fatigued, and will soon again light down at the point from which he took his last start.

NOTE.—Since the delivery of the foregoing speech, the vote has been taken in the Senate on the question of “notice,” and, as I anticipated, the resolution from the House was rejected, and the one introduced into the Senate by Mr. CRITTENDEN, of Kentucky, and slightly modified by Mr. JOHNSON, of Maryland, substituted in its place, and passed. Mr. CRITTENDEN’s resolution in this form came back to the House, and after some contest between the two Houses, was finally passed without any material change. As it finally passed I voted for it, and so did every Whig in both Houses of Congress. The only votes against it were from Democrats, being forty-six in the House and ten in the Senate.

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